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LinkedIn Corporation

11 UNITED STATES DISTRICT COURT
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13 NORTHERN DISTRICT OF CALIFORNIA
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15 SAN FRANCISCO DIVISION

15 3taps, Inc.,
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17 Plaintiff,
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19 vs.
20 LinkedIn Corporation,
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22 Defendant.

Case No. 18-cv-00855-EMC

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING AMENDMENT
TO COMPLAINT AND BRIEFING
SCHEDULE**

Judge: Hon. Edward M. Chen
Trial Date: None Set
Action Filed: February 8, 2018

WHEREAS, Plaintiff 3taps, Inc. (“3taps”) filed a Complaint in the above-captioned action against Defendant LinkedIn Corporation (“LinkedIn”) on February 08, 2018 (ECF No. 1);

WHEREAS on February 23, 2018, the Court ordered this action related to *hiQ Labs, Inc. v. LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”);

WHEREAS, on August 13, 2021, after the expiration of a stay pending appeal in the hiQ Action, LinkedIn filed a Motion to Dismiss 3tap’s Complaint (ECF No. 51);

WHEREAS, on August 26, 2021, 3taps filed an Opposition to LinkedIn’s Motion to Dismiss (ECF No. 53);

WHEREAS, the parties subsequently met and conferred, and agreed, in the interests of efficiency of the parties and the Court, that LinkedIn would withdraw its Motion to Dismiss without prejudice and that 3taps would file an amended complaint;

WHEREAS, the parties further agreed that 3taps’ filing of an amended complaint is in no way an admission by 3taps that LinkedIn’s Motion to Dismiss is meritorious or that the Complaint required amending, and further that the withdrawal of the Motion to Dismiss by LinkedIn is in no way an admission by LinkedIn that (i) the Motion to Dismiss lacked merit, and/or (ii) the Complaint can be amended in such a way as to cure the defects referenced in the Motion to Dismiss;

NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED
AND AGREED:

1. LinkedIn hereby withdraws its Motion to Dismiss 3taps’ Complaint (ECF No. 51) without prejudice pursuant to the Parties’ stipulation that 3taps will file an amended complaint by October 8, 2021.

2. 3taps shall file its amended complaint by October 8, 2021.

3. LinkedIn shall answer or otherwise respond to the amended complaint by December 7, 2021.

4. If LinkedIn responds to the amended complaint by motion, any opposition thereto shall be due on February 7, 2022, and any reply shall be due on March 9, 2022. The Parties shall meet and confer to determine a hearing on the motion consistent with

1 this schedule prior to the filing of the motion by LinkedIn.

2 5. The deadlines in this order supersede the deadlines set in the parties' prior
3 stipulation (ECF No. 30).

4 6. Nothing in this order precludes either party from applying to the Court for
5 relief from any deadline set forth in this stipulation and proposed order.

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7 Dated: September 1, 2021

Orrick, Herrington & Sutcliffe LLP

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9 By: /s/ Annette L. Hurst

10 ANNETTE L. HURST
11 Attorneys for Defendant
12 LinkedIn Corporation
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14 Dated: September 1, 2021

The Law Offices of Thomas V. Christopher

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16 By: /s/ Thomas V. Christopher

17 THOMAS V. CHRISTOPHER
18 Attorneys for Plaintiff
19 3taps, Inc.
20

21 **Filer's Attestation:** I, Annette L. Hurst, am the ECF User whose User ID and password
22 are being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that
23 I have obtained concurrence in the filing of this document from the above-listed signatories.
24

25 By: /s/ Annette L. Hurst

26 ANNETTE L. HURST
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28

~~[PROPOSED]~~ ORDER

Pursuant to Stipulation, it is SO ORDERED.

Dated: September 2, 2021



THE HONORABLE EDWARD M. CHEN
United States District Judge